



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
URICH et al.

Application No.: 09/542,670

Filed: April 4, 2000

For: **LOW FREQUENCY CATARACT  
FRAGMENTING DEVICE**

Examiner:

Art Group: 2816

RECEIVED  
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TECHNOLOGY CENTER 2800

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115**

Assistant Commissioner for Patents  
Washington, D.C. 20231-9998

Sir:

The Applicant would like to file the following preliminary amendment for the above entitled patent application.

**IN THE SPECIFICATION**

On page 1, please delete lines 2-5.

**IN THE OATH**

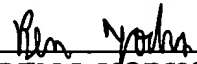
Please substitute the enclosed Substitute Oath.

**REMARKS**

The applicant is amending the application to disclaim priority to provisional application No. 60/173,829 filed on December 30, 1999. The applicant requests that the Examiner enter this amendment.

Respectfully submitted,  
IRELL & MANELLA LLP

Dated: August 3, 2001

  
BEN J. YORKS  
Reg. No. 33,609

840 Newport Center Drive, Suite 400  
Newport Beach, CA 92660  
949-760-0991

**Certificate of Mailing**

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Wendy Jones

Date

8/3/01



GAU 2816

Please type a plus sign (+) inside this box → ☐PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                        |               |
|--|------------------------|---------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number     | 09/542,670    |
|  | Filing Date            | April 4, 2000 |
|  | First Named Inventor   | Alex Urich    |
|  | Group Art Unit         | 2816          |
|  | Examiner Name          | Unknown       |
| Total Number of Pages in This Submission   | Attorney Docket Number | 155696-0024   |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition    | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)  | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Additional Enclosure(s) (please identify below):                  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application  | <input type="checkbox"/> Terminal Disclaimer  |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53   | <input type="checkbox"/> Small Entity Statement   |  |
|  | <input type="checkbox"/> Request for Refund   |  |
| Remarks  |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                     |
|--|-------------------------------------|
| Firm or Individual name                    | Ben J. Yorks<br>IRELL & MANELLA LLP |
| Signature                                  | <i>Ben Yorks</i>                    |
| Date                                       | August 3, 2001                      |

| CERTIFICATE OF MAILING  |                    |      |                |
|---|--------------------|------|----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: August 3, 2001 |                    |      |                |
| Typed or printed name   | Wendy Jones        |      |                |
| Signature   | <i>Wendy Jones</i> | Date | August 3, 2001 |

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**FEE TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

**Complete if Known**

|                      |               |
|----------------------|---------------|
| Application Number   | 09/542,670    |
| Filing Date          | April 4, 2000 |
| First Named Inventor | Alex Urich    |
| Examiner Name        | Unknown       |
| Group Art Unit       | 2816          |
| Attorney Docket No.  | 155696-0024   |

**METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

09-0946

Deposit  
Account  
Name

Irell &amp; Manella LLP

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 101      | 710      | 201      | 355      | Utility filing fee     |          |
| 106      | 320      | 206      | 160      | Design filing fee      |          |
| 107      | 490      | 207      | 245      | Plant filing fee       |          |
| 108      | 710      | 208      | 355      | Reissue filing fee     |          |
| 114      | 150      | 214      | 75       | Provisional filing fee |          |

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | - 3** =      | X              |          |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 103      | 18       | 203      | 9        | Claims in excess of 20                                     |          |
| 102      | 80       | 202      | 40       | Independent claims in excess of 3                          |          |
| 104      | 270      | 204      | 135      | Multiple dependent claim, if not paid                      |          |
| 109      | 80       | 209      | 40       | ** Reissue independent claims over original patent         |          |
| 110      | 18       | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105                   | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath  |          |
| 127                   | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                   | 130                   | 139                   | 130                   | Non-English specification  |          |
| 147                   | 2,520                 | 147                   | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112                   | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110                   | 215                   | 55                    | Extension for reply within first month                                     |          |
| 116                   | 390                   | 216                   | 195                   | Extension for reply within second month                                    |          |
| 117                   | 890                   | 217                   | 445                   | Extension for reply within third month                                     |          |
| 118                   | 1,390                 | 218                   | 695                   | Extension for reply within fourth month                                    |          |
| 128                   | 1,890                 | 228                   | 945                   | Extension for reply within fifth month                                     |          |
| 119                   | 310                   | 219                   | 155                   | Notice of Appeal   |          |
| 120                   | 310                   | 220                   | 155                   | Filing a brief in support of an appeal                                     |          |
| 121                   | 270                   | 221                   | 135                   | Request for oral hearing   |          |
| 138                   | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                   | 110                   | 240                   | 55                    | Petition to revive - unavoidable   |          |
| 141                   | 1,240                 | 241                   | 620                   | Petition to revive - unintentional   |          |
| 142                   | 1,240                 | 242                   | 620                   | Utility issue fee (or reissue)   |          |
| 143                   | 440                   | 243                   | 220                   | Design issue fee   |          |
| 144                   | 600                   | 244                   | 300                   | Plant issue fee  |          |
| 122                   | 130                   | 122                   | 130                   | Petitions to the Commissioner  |          |
| 123                   | 50                    | 123                   | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 126                   | 180                   | 126                   | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581                   | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 710                   | 246                   | 355                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                   | 710                   | 249                   | 355                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                   | 710                   | 279                   | 355                   | Request for Continued Examination (RCE)                                    |          |
| 169                   | 900                   | 169                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)

Ben J. Yorks

Registration No.  
(Attorney/Agent)

33,609

**Complete (if applicable)**

Telephone

(949) 760-0991

Signature

Ben J. Yorks

Date

August 3, 2001

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